

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Petitioner's Ref.: 016787/0241
[REDACTED]

-----X
APPLE CORPS LIMITED,

Petitioner,

v.

MARK LAPIDOS PRODUCTIONS, LTD.

Respondent.
-----X

03-17-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #01

Cancellation No. 26,010

Commissioner for Trademarks
U.S. Patent and Trademark Office
2900 Crystal Drive
Arlington, Virginia 22202-3513

ATTN: TRADEMARK TRIAL AND APPEAL BOARD

TRADEMARK TRIAL AND
APPEAL BOARD
03 MAR 26 AM 9:30

STIPULATED MOTION FOR DISMISSAL OF CANCELLATION PROCEEDING

Pursuant to the agreement of the parties, the registration which is the subject of this cancellation proceeding has been assigned from the respondent, Mark Lapidis Productions Ltd., to the petitioner, Apple Corps Limited.

Petitioner has submitted the assignment for recordation with the Assignment Branch of the U.S. Patent & Trademark Office. Copies of the assignment and, the Recordation Form Cover Sheet as filed are enclosed herewith at Exhibit A.

In view of the assignment of the subject registration from respondent to petitioner, the parties hereby request that this cancellation proceeding be dismissed as moot.

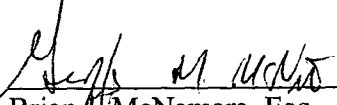
Wherefore, favorable action on this stipulated motion to dismiss is respectfully requested.

Respectfully submitted,

Apple Corps Limited, by:

Date:

3/17/03



Brian J. McNamara, Esq.

Geoffrey M. McNutt, Esq.

Foley & Lardner

Washington Harbour

3000 K Street, N. W., Suite 500

Washington, DC 20007-5109

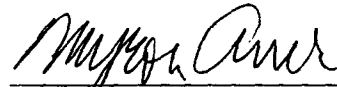
Telephone (202) 672-5300

Counsel for Petitioner

Mark Lapidus Productions, Ltd., by:

Date:

3/11/03



Myron Amer, Esq.

Myron Amer, P.C.

114 Old Country Road,

Suite 310

Mineola, N.Y. 11501

Telephone 516-742-5290

Counsel for Respondent

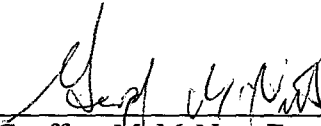
CERTIFICATE OF SERVICE

I hereby certify that I have this 17th day of March, 2003, served a true copy of the foregoing
STIPULATED MOTION TO DISMISS CANCELLATION PROCEEDING upon Myron Amer,
counsel of record for Mark Lapidos Productions, Ltd., by mailing a copy of the same via First Class
U.S. Mail, postage-prepaid, addressed as follows:

Myron Amer, Esq.
Myron Amer, P.C.
114 Old Country Road,
Suite 310
Mineola, N.Y. 11501

FOLEY & LARDNER

By:



Geoffrey M. McNutt, Esq.
Foley & Lardner

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Receipt is hereby acknowledged of the following:

Registrant.: Frank B. Dehn & Co.

Registration No.: 1,119,412

Reg. Date: May 29, 1979

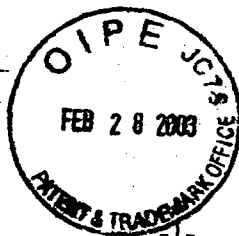
Mark: **BEATLEFEST**

RECORDATION COVER SHEET; POWER OF ATTORNEY; APPOINTMENT OF
DOMESTIC REP; ASSIGNMENT; CHECK # 27236 (\$40.00)

X File in Mail Room

Date Due: N/A

Date Filed: 2/28/03



Return to BJM/GMM/MAWI/am

CLT/MTR: 016787/0246

INSP. BY: *[Signature]*

FORM PTO-1618A
Expires 06/30/99
OMB 0651-0027

U.S. Department of Commerce
Patent and Trademark Office
TRADEMARK

RECORDATION FORM COVER SHEET
TRADEMARKS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

- ☒ New
☐ Resubmission (Non-Recordation)
Document ID# _____
☐ Correction of PTO Error
Reel # _____ Frame # _____
Corrective Document
☐ Reel # _____ Frame # _____

Conveyance Type

- ☒ Assignment ☐ License
☐ Security Agreement ☐ Nunc Pro Tunc Assignment

☐ Merger
☐ Change of Name

☐ Other: _____

Effective Date
Month Day Year

Conveying Party

☐ Mark if additional names of conveying parties attached

Name Mark Lapidos Productions Ltd.

Execution Date
Month Day Year
11/05/2002

Formerly _____

- ☐ Individual ☐ General Partnership ☐ Limited Partnership ☒ Corporation ☐ Association
☐ Other: _____
☒ Citizenship/State of Incorporation/Organization: New Jersey

Receiving Party

☐ Mark if additional names of receiving parties attached

Name (line 1) Apple Corps Limited

Address (line 1) 27 Ovington Square

Address (line 2) _____

Address (line 3) London SW3 1LJ

City

England
State/Country

Zip Code

- ☐ Individual ☐ General Partnership ☐ Limited Partnership
☒ Corporation ☐ Association
☐ Other: _____

☒ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be Attached.
(Designation must be a separate document from Assignment.)

☒ Citizenship/State of Incorporation/Organization: England

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

—Mail documents to be recorded with required cover sheet(s) information to: Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

FORM PTO-1618AExpires 06/30/99
OMB 0651-0027U.S. Department of Commerce
Patent and Trademark Office
TRADEMARK**Domestic Representative Name and Address**

Enter for the first Receiving Party Only.

Name

Address (line 1) FOLEY & LARDNERAddress (line 2) 3000 K Street, N.W., Suite 500Address (line 3) Washington, D.C. 20007

Address (line 4)

Correspondent Name and AddressArea Code and Telephone Number (202) 672-5300Name Brian J. McNamaraAddress (line 1) Foley & LardnerAddress (line 2) 3000 K Street, N.W., Suite 500Address (line 3) Washington, D.C. 20007-5109

Address (line 4)

PagesEnter the total number of pages of the attached conveyance document
Including any attachments.# 5**Trademark Application Number(s) or Registration Number(s)**☐ Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same Property).

Trademark Application Number(s)Registration Number(s)

1,119,412

Number of PropertiesEnter the total number of properties involved. # 1**Fee Amount**Fee Amount for Properties Listed (37 CFR 3.41); \$ 40.00

Method of Payment:

Enclosed ☒Deposit Account ☐

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number: # 19-0741Authorization to charge additional fees: Yes ☒ No ☐**Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached Copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Geoffrey M. McNutt, Esq.

Name of Person Signing

Geoffrey M. McNutt
Signature2/28/03

Date

ASSIGNMENT OF TRADEMARK

WHEREAS, Mark Lapidos Productions Ltd., a New Jersey corporation ("ASSIGNOR"), is the sole owner of the entire right, title and interest in and to the trademark "Beatlefest," registered as of May 29, 1979, under registration number 1,119,412, including the U.S. registration therefor (the "Mark"); and

WHEREAS, Apple Corps Limited ("ASSIGNEE"), a corporation organized under the laws of England, having its principal offices at 27 Ovington Square, London SW3 1LJ England, is desirous of acquiring the Mark and any good will associated therewith; and

NOW, THEREFORE, in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

1. ASSIGNOR represents and warrants that it is the sole owner of the entire right, title and interest in and to the Mark; and
2. ASSIGNOR hereby assigns and transfers to ASSIGNEE, the entire right, title and interest in and to the Mark, including the registration therefor listed in Schedule A hereto, and any goodwill associated with the Mark, and including all rights to sue and collect damages for past, present and future infringement of the Mark.

Executed this 5TH day of November 2002, at _____.

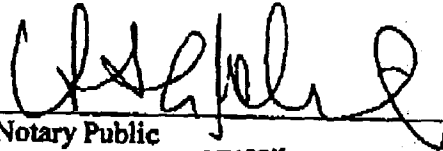
MARK LAPIDOS PRODUCTIONS LTD.

By: Mark Lapidos
Name: MARK LAPIDOS
Title: PRESIDENT

STATE OF NY)
COUNTY OF NY) : ss.:

On the 5 day of Nov 2002, before me, the undersigned, personally appeared MARK LAPIDUS personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to in the within instrument, and who acknowledged to me that he executed the same as a free act on behalf of the identified company with full authority to do so.

Subscribed and sworn to before me
this 5th day of Nov, 2002.


Notary Public

KENNETH P. NORWICK
Notary Public, State of New York
No. 31-5001681
Qualified in New York County
Commission Expires September 14, 10-
2003

SCHEDULE "A"

MARK

REG. NUMBER

REG. DATE

BEATLEFEST

1,119,412

May 29, 1979

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty Ref. No. 016787-0241

Mark: BEATLEFEST
Reg. No.: 1,119,412
Reg. Date May 29, 1979
Owner: Apple Corps Limited
(by assignment)
Address: 27 Ovington Square
London SW3 1LJ
ENGLAND

BOX ASSIGNMENT - FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

REVOCATION AND NEW POWER OF ATTORNEY AND
APPOINTMENT OF DOMESTIC REPRESENTATIVE

Madam:

Apple Corps Limited, the owner of above registration, hereby revokes any and all previous powers of attorney and appoints the following attorneys of the law firm of FOLEY & LARDNER:

Eric J. Carlson
Mark J. Diliberti
Harry C. Engstrom
Bernard P. Friedrichsen
Mark A. Kassel

Peter G. Mack
Richard J. McKenna
Brian J. McNamara
Geoffrey M. McNutt
Norman J. Rich

Richard L. Schwaab
Larry L. Shatzer
Stacy L. Taylor
James L. Vana

Bernard L. Kleinke
Charles F. Schill

as its principal attorneys to have full power to transact all business in the United States Patent and Trademark Office in connection with the identified registration, including powers to submit any post-registration documents, to transact all business before the Post Registration Division, to record any assignments and to transact all business before the Assignment

Reg. No.: 1,119,412
Mark: BEATLEFEST

Division, and to have full power of substitution, association, and revocation, including the power to revoke the power of attorney of any associate attorney. Every member of the firm of FOLEY & LARDNER and every attorney at law associated with that firm is hereby authorized to have associate power of attorney to sign any paper and to conduct any business on behalf of Applicant with respect to this application or any resulting registration.

It is requested that all correspondence be directed to:

Brian J. McNamara
FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5416
Facsimile: (202) 672-5399

APPOINTMENT OF DOMESTIC REPRESENTATIVE

Apple Corps Limited hereby appoints the firm of FOLEY & LARDNER, Washington Harbour, 3000 K Street, N.W., Suite 500, Washington, D.C. 20007-5143, as its domestic representative upon whom notices or process in proceedings affecting the mark may be served.

APPLE CORPS LIMITED

Date: 14.2.03.

By: 

Name: NEIL STANLEY ASPINALL

Title: MANAGER